HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6775 of 2007

Dated:03.04.2007

Between:

G.Atchuta Rao.

…Petitioner.

and

The Assistant Divisional Engineer and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6775 of 2007

ORDER:

The petitioner is a consumer of power supply, through S.C.No.61 of Category-III at Gangannapadu Village of Therlam Mandal in Vizianagaram District. He is running a small rice mill, with a motor of 15 Horse Power capacity. The premises of the mill was inspected on 21.02.2005 and it was found that the seal on the meter box was removed. Certain scratches on the meter disk were also noticed. A notice of provisional assessment, dated 09.03.2005, was issued to the petitioner pointing out that the loss sustained by the respondents on account of the pilferage amounts to Rs.1,65,283/-. The petitioner was given an opportunity to pay half of the said amount to ensure continuity of power supply. On account of non-payment of the same, the power has since been disconnected. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The actual liability of the petitioner, in the light of the inspection caused to the premises, needs to be decided only in the order of final

assessment, which is to be passed after the explanation submitted by the petitioner is taken into account. In W.A.No.452 of 2004, a Division Bench of this Court interpreted Section 126 of the Electricity Act, 2003, to the effect that a consumer cannot be required to pay the amount, before an order of final assessment is passed. However, where the allegation is as to tampering with the meters and committing pilferage of power, slightly different approach is needed. The power supply to the petitioner has already been disconnected. This Court is of the view that the ends of justice would be met by directing restoration of power supply to the petitioner, on payment of a sum of Rs.20,000/- (Twenty Thousand). Since almost two years have been elapsed ever since proceedings have been initiated, the respondents are directed to take steps for passing order of final assessment, within four weeks from today.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Dt.03.04.2007 **L.NARASIMHA REDDY, J**

GJ